

# **EXHIBIT B**



## ***U.S. Environmental Protection Agency***

### **Region 8 - Welcome to Libby**

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Welcome  
to Libby

### **Libby Community Advisory Group**

CAG  
Meetings  
2003

#### **Meeting Summary** **March 13, 2003**

Questions

#### **Introductions**

[\*\*EPA Libby Home\*\*](#)

QAPP  
QAPP  
Phase 2

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members and visitors in attendance is attached below as [Appendix 1](#).(PDF file)

Agenda

Mr. Mueller reviewed an agenda for this meeting. He asked and received the CAG's permission to schedule two items prior to the agency reports, the presentation of a survey by a representative of the CARD Clinic and a discussion of the CAG. The approved agenda included:

- CARD Clinic Survey
- Discussion of the CAG
- EPA Report
- Public Comment

#### **CARD Clinic Survey**

Janis Lincoln, a community training consultant with the CORA project of the CARD Clinic, passed out to CAG members and the audience a survey asking how the project might address psychological and social issues arising from the asbestos exposure. Those present wishing to do so completed and then passed in the survey to Ms. Lincoln.

#### **Discussion of the CAG**

Gerald Mueller stated that telephone calls and emails that he and Wendy Thomi had received since the last CAG meeting indicate that CAG members have concerns about the structure and activities of the CAG. In response to these concerns, Mr. Mueller decided to request that the CAG focus at the beginning of this meeting on a discussion of the CAG itself. Also, in preparation for and prior to this meeting, Mr. Mueller mailed or emailed three documents to the CAG members: a summary of the ground rules that have guided the CAG activities to date, a copy of the CAG's July 5, 2001 letter to Governor Martz setting out four goals for responding to the asbestos cleanup, and a list of priority actions agreed to by the CAG at its April 5, 2001 meeting as needed to respond to the past and continuing problems arising from the tremolite asbestos contamination of the Libby community resulting from the mining and processing vermiculite by W. R. Grace & Co.. These documents are attached below as [Appendices 2-4](#), (PDF file, one appendix is mislabeled ?) respectively. Mr. Mueller supplied the latter two documents at the suggestion of Rick Palagi. Copies of these documents were passed out to the audience.

Using the overheads, copies of which are included below as [Appendix 5](#), (PDF file) Mr. Mueller then led a CAG and audience discussion of the CAG.

CAG Purpose

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CAG Purpose

The CAG agreed to add a third item to its previous purpose statement:

**The CAG is to be active in seeking solutions for issues arising from the cleanup of Libby.**

CAG Membership

After agreeing that what its members bring to the CAG is more important than the specific groups a member might represent, the CAG made no change to the following membership statement:

**CAG members are self-selected, and membership continues to be open to people wishing to join if they are willing to accept member responsibilities.**

CAG Member Responsibilities

- The CAG made no change to its previous statement of CAG member responsibilities;
- Acting as communication conduit between the EPA and members of the Libby and Troy communities, i.e. sharing information provided by EPA to the CAG with people in the two communities and bringing back to the CAG questions, concerns, rumors, and information from people unwilling or unable to attend CAG meetings;
- Being present at CAG meetings or sending alternates; and
- Being willing to have their names, telephone numbers, and addresses published in the local newspaper(s) so that people from the Libby and Troy communities can contact them.

Four Goals for the Libby Cleanup

The SAG made no changes to the four goals for responding to the asbestos cleanup included in its July 5, 2001 letter to Governor Martz:

**A solution for Libby must include:**

- Clean up all contamination and long-term monitoring;
- Medical monitoring, care, and research;
- Compensation for victims now and in the future; and
- Restore business vitality.

CAG Meetings

After a discussion that included the following comments, the CAG decided not to change its facilitator, its one meeting per month meeting frequency, or its previous meeting ground rules regarding the order of meeting agenda topics (agency presentations first followed by CAG and audience member presentations) and audience participation in the meetings (audience members may participate in CAG discussions by asking questions so long as the meeting is not disrupted), and audience member comments are to be solicited before the CAG makes decisions.

CAG Member Comment - I would like the facilitator to be more assertive in limiting the time that CAG members speak. CAG member comments and questions should precede audience member comments and questions.

CAG Member Comment - I don't think that any restrictions should be imposed on when a person can speak.

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CAG Member Comment - We should always allow audience members to comment, but the CAG needs to be effective in its work. Issues should be presented and actions discussed and decided upon as soon as possible so that CAG meetings can be as brief as possible.

CAG Member Comment - The audience should be allowed to ask questions regarding agency updates, but topics off the subject from the audience should be put on the agenda and discussed separately.

CAG Member Comment - We have to let the larger community speak, but it would more orderly if the CAG were allowed to discuss the issue first.

CAG Member Comment - The facilitator should keep people on point and be more assertive. It is important to keep CAG members from personally attacking other members or the audience.

**EPA Report**

Jim Christiansen reported on behalf of EPA on his agency's decision about insulation removal from Libby homes and businesses. He was joined in responding to questions by Paul Peronard, who is making his final planned visit to Libby.

EPA's decision is not to systematically remove vermiculite insulation from every wall; Instead, EPA will seek to remove insulation from, or contain insulation in, walls using a reasonable amount of effort. Insulation will be removed from walls using available access points including the attic and wall electricity, telephone, and cable television outlets. After the insulation removal, the wall access points will be sealed to prevent leakage of any remaining insulation into the living space. EPA will knock down walls on a case-by-case basis if they are leaking or if the building resident is planning renovations. EPA will not, however, rebuild walls.

EPA has made this decision in the face of three issues, the magnitude of the problems associated with removal of wall insulation, the difficulty in cleaning walls, and the risk trade-off.

Magnitude of the Problem - insulation may be present in a wall because it was put there deliberately or because it trickled down from the attic. To remove vermiculite insulation from all walls, EPA, therefore, would have to examine every wall in at least the 600 buildings identified this past summer as having vermiculite insulation. Because the insulation might be anywhere within the wall, each wall would have to be examined at many points, not just one or a few. The cost and time requirements for examining the large number of walls would be high.

Cleaning Walls - Removing the insulation, cleaning and encapsulating attics requires on the order of one week and about \$30,000 per house. If the goal is a guarantee from EPA that all walls in Libby are completely safe, then walls must be investigated and cleaned to the same degree as attics. Half-solutions will not fix the problem - that means that to clean walls we would have to take them apart or tear them down, then rebuild them. Removing all insulation, cleaning, encapsulating, and restoring walls would be much more difficult and would probably require three weeks per house and for all of Libby a total cost of hundreds of millions of dollars.

Risk Trade-Off - Risk tradeoffs are difficult. EPA would prefer to cleanup all sites completely and eliminate all risk. Unfortunately, complete cleanups and zero risk is impossible. While the quantitative risk of leaving insulation in walls is not known, the risk that people would disturb insulation and cause asbestos exposure is greater in attics than in walls. If EPA were to devote the time and money to investigate all walls potentially containing insulation, and to remove vermiculite insulation from all Libby walls containing it, cleaning homes with leaking attics and other more immediate exposure risks would be delayed. EPA's policy is to address the worst risks first. EPA has therefore decided not

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EPA's policy is to address the worst risks first. EPA has therefore decided not remove the insulation from all walls now and instead to address the more immediate and larger risks by cleaning attics and addressing other asbestos exposure pathways such as contaminated soils. Because risks from well-sealed walls will only occur if the wall is breached, which is in general a rare event, EPA does not feel it is an effective use of resources to try to clean all walls – it makes more sense to deal with that issue when it arises through a maintenance program. Our general plan is that walls will be addressed by the following steps:

- Wall insulation will be removed where it is reasonable to do so.
- Access points to walls will be sealed.
- Leaking walls will be repaired if possible, but if in poor condition, may be cleaned or removed.
- If homeowners have impending renovation, we will work with them to try to address the situation during our cleanup.
- EPA is formulating an approach to Operations and Maintenance (O&M), which is the program that will be in place to manage contamination issues after cleanup is complete. This program will take a while to work out, and is subject to public comment – the non-emergency part of Superfund. We expect such a program may include:
  1. Guidance to building owners and contractors for addressing walls as renovation occurs.
  2. Providing free space in the county landfill for proper disposal of asbestos contaminated materials resulting from the future renovations.
  3. EPA will definitely provide homeowners a high quality HEPA vacuum to help keep homes clean.

**Summary -** In deciding not to address all walls containing vermiculite insulation today, EPA is addressing current exposure risks and planning for the management of future risks. EPA intends to leave Libby so that it is as clean or cleaner than other communities. Some asbestos will be left behind, but it will not present an immediate exposure threat. A plan will be developed and left in place to address future asbestos sources as they are encountered.

**CAG Member Question -** When this first started, I had the impression that all insulation would be removed from Libby buildings. Not addressing walls is a dramatic deviation. Why did I read about this decision in the Daily Interlake rather than at a CAG meeting?

**Answer -** EPA should have brought this issue up sooner. I did not know about the expectation of removing all insulation, and I did not anticipate the magnitude of this issue.

**CAG Member Comment -** No one expects every fiber to be removed from every wall. We assumed that the bulk of the insulation would be removed from all walls.

**CAG Member Question -** Would you explain the term "sensitized population?"

**Answer -** A sensitized population is one that will experience greater effects than the general population from a given event.

**CAG Member Question -** What was the justification for seeking the declaration of a public health emergency for Libby?

**Answer -** Libby had a uniquely high number of exposure pathways to asbestos. As a result of the extensive, ongoing cleanup, we have reduced or eliminated most of those pathways. Libby now has fewer exposure pathways than much of the general public.

**CAG Member Comment -** As a result of our historical exposure, Libby people cannot afford the risk of one more asbestos exposure.

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Response - We cannot now assess the risk of one more exposure. EPA's policy is to remove the high risk factors first.

CAG Member Question - Does science support the decision not to remove the wall insulation?

Answer - Walls can be sealed so that the insulation is not likely to escape. Things encased in a wall are not as dangerous as dust from attics and gardens.

CAG Member Question - Would you live with your family in a house with asbestos-contaminated insulation in the walls?

Answer - Yes, if EPA first cleaned the house of other contamination sources as we are doing in Libby, I would not have a problem living in it with my family. I try to apply the standard of what I want done for my children. When EPA is finished cleaning a house, we believe it to be safe.

CAG Member Question - W.R. Grace cleaned and sealed the inside surfaces of the export plant buildings, why did EPA then require it to demolish the buildings when you are willing to leave vermiculite insulation in Libby walls?

Answer - When EPA inspected the W.R. Grace buildings, we could see vermiculite on the floor. It was not adequately cleaned and sealed so that people could not see, touch and breath contaminated material. Because of the hazard that remained, we ordered the buildings demolished. Compare this situation with that of the mine which is seven miles away from downtown. At the mine, EPA is allowing the contamination to be covered with grass, so that people will not likely see, touch, or breath contaminated material. Each Libby home and business will be assessed. If walls are leaking, they will be sealed. Breaking open all walls, including those made of cinder block, to remove the insulation does not make sense. When EPA does a cleanup, we do clearance sampling to make sure that we are not leaving behind fibers in the living space. The W.R. Grace cleanings did not meet our clearance standards. Again, our policy is to cleanup immediate threats and manage future risks.

Audience Member Comment - Libby has a nationwide stigma for asbestos contamination. Without a complete cleanup reported by the media, this stigma will remain.

Response - EPA never promised that all risk of asbestos exposure would be eliminated in Libby. We promised that when the cleanup is finished that it will be as safe or safer to live here than anywhere else in the country.

CAG Member Comment - Dr. Whitehouse has told us that there is no such thing as a safe level of asbestos, and now EPA says that it is planning to leave some behind.

Response - We are aware of the theory that one asbestos fiber can cause cancer. If we spend the time and money to remove insulation from a wall, we may make things worse for someone whose attic or garden cleanup is delayed.

CAG Member Comment - If we are left with insulation in walls, then at a minimum, a management system must be set up to address future contamination risk.

Response - EPA is committed to develop such a system. As previously mentioned, we intend to take several long-term management actions such as providing guidance to homeowners and contractors for addressing walls and will provide free space in the county land fill for safe disposal of asbestos contaminated wastes.

Audience Member Comment - Perception is reality. We were considered for declaration of a public health emergency. The Stimson mill has closed, in part

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declaration of a public health emergency. The Stimson mill has closed, in part because of asbestos contamination. Now EPA intends to leave contaminated insulation in our walls. Each of these is another nail in the coffin that Libby is unhealthy.

Audience Member Comment - I have an older home with vermiculite insulation in the walls. I'm considering expanding my home. EPA has said it will deal with the wall problem when I choose to expand. It would be cheaper to address it now than down the road.

Audience Member Comment - Many of our older homes are not worth the \$30 - 40 thousand cost of cleaning the attics. Tearing down these houses would employ a lot of people and would not continue to throw money at a bad situation.

Response - EPA has considered and rejected the possibility of tearing down and rebuilding the contaminated homes in Libby. We rejected it because of the disadvantages to the homeowners and the cost and time requirements for doing so. There are many hidden costs for such an approach that make it much more expensive than simply buying the house. These include cleaning, storing, and transporting personal property, extended relocation of residents, and paying for appraisal and attorney's fees. By law EPA must remove asbestos before demolition, so cleanup costs would not be saved. Even if we waived this requirement under Superfund, we would still have to pay for demolition of the building and disposal of the waste, which is difficult and costly task in and of itself. Contaminated soil would still have to be removed. EPA could only pay the homeowner the fair market value of the home which would likely be less than replacement costs. In summary, demolishing would cost EPA more and take longer and the homeowner would have to pay the difference between replacement and fair market value and would be displaced for a longer period of time.

Audience Member Comment - I own a house with vermiculite insulation which depreciates its value. I could not in good conscience sell or rent it to someone else when it is not clean.

Response - When your house is cleaned, EPA will issue you a letter stating that the house is clean and safe to live in. The letter should help protect your property value.

Audience Member Comment - You talk of a plan in the future to address future contamination issues such as walls and providing a HEPA vacuum. We don't want to cleanup our houses twice. Please think about cleaning it all now.

Response - EPA is committed to addressing the cleanup the smartest way now. Attempting insulation removal from all walls would put more people at risk because it would delay cleanup of more immediate risks. Providing the HEPA vacuum after the house cleanup reduces exposure risk at almost no cost and no special training requirements.

CAG Member Question - How does the operation and maintenance program and the state 10% cost share work?

Answer - According to the Superfund Law, after the cleanup is completed, the state must implement in perpetuity and operation and maintenance plan that EPA develops. The State must also pay 10% cost share for cleanups using removal authority.

Audience Member Question - Will EPA provide a fund for later cleanups such as future wall renovations?

Answer - We don't know now. The operation and maintenance plan has not yet been developed. A maintenance program could range from very little to a "cleanup on demand" program, perhaps using a fund from settlements or judgements from Grace or from other sources.

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Judgements from Grace or from other sources.

Audience Member Question - If a homeowner is at risk from asbestos contamination, will EPA take care of the situation?

Answer - Yes. We will remove the insulation from walls that we can. Wall openings such as electrical outlets will be sealed. The home living space will be cleaned.

Audience Member Comment - The newspaper story appeared to say that the decision not to remove all wall insulation was based on money. You are now saying that risk is a factor. If it was just the money, Libby should be cleaned up.

Response - The decision was not based on costs alone. It was not made because of OMB or other outside pressure, although there is pressure to make the cleanup in Libby efficient. It was made because of a combination of factors including both cost and risk.

Audience Member Question - You mentioned that removal techniques will be designed for each house. Will the plan of work be negotiated with the homeowner? Answer - Yes, there will be give and take to some degree. The homeowner always has the option to decide not to go forward with the cleanup.

Audience Member Question - If a homeowner wants wall insulation removed now, will EPA remove the wall board and clean the walls and leave it unrestored?

Answer - We have to be consistent in what we will do for each homeowner, so in general, no.

CAG Member Question - Can the homeowner contract to have wall insulation removed?

Answer - Yes.

CAG Member Comment - If a house containing vermiculite wall insulation burns, asbestos contamination may be spread over a large area.

Audience Member Comment - The decision not to remove all wall insulation is a bad decision.

CAG Member Comment - I recently traveled to Atlanta, and people there told me how fortunate I am to live in EPA Region 8. We should keep this in mind. Our community has banded together to work on issues stemming from the asbestos contamination. Governor Martz used the silver bullet for the Superfund listing. Our County Commissioners support our efforts. The EPA team, including Jim Christiansen, Paul Peronard, and Aubrey Miller are using the best science in the cleanup. We have to trust them in their efforts to do the right thing.

#### Public Comment

Audience Member Question - What is the status of the Technical Advisory Group?

Answer by George Keck - We have received a \$50,000 grant from EPA. We have incorporated, applied for our IRS non-profit tax designation, appointed a board of directors, and we meet each Tuesday night prior to the CAG meeting at 7:00 p.m. on the second floor of the First National Bank Building. The EPA grant has a 20% matching requirement which we meet through the donation of our time.

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CAG Member Comment - March 31 is the deadline for filing claims in the bankruptcy court against W.R. Grace.

**Next Meeting**

The next regular CAG meeting is scheduled for Thursday, April 10, 2003 at 7:00 p.m. In the Ponderosa Room of Libby City Hall. The agenda will include agency reports and a review of revised ground rules to guide the CAG activities resulting from the March 13 meeting.

[About PDF files](#)

**EPA Libby Links**

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